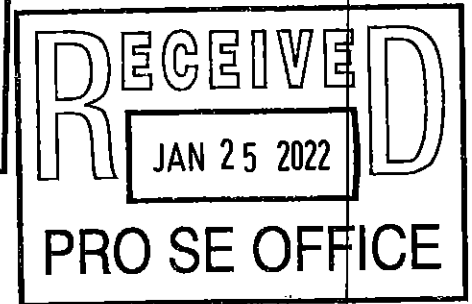
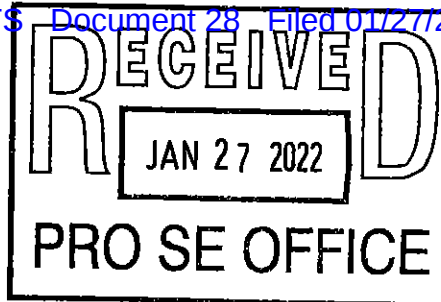


wzLucio Celli
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UNITED STATES COURT FOR THE

~~Eastern~~ DISTRICT OF NEW YORK

Southern (SC)

LUCIO CELLI,

Petitioner,

vs.

~~United States of America,~~

NYC DEC et al (SC)

Defendant

Case No.: 21-cv10455

MOTION FOR RECONSIDERATION UNDER RULE 59
AND RULE 60 BECAUSE YOUR HONOR WAS BIASED,
PAID BY RANDI, INFLUNCED BY SEN. SCHUMER TO
ENSURE THAT THE AUDIO RECORDING OF JUDGE
ENGELMAYER IS NOT HEARD BY ANYONE,
ESPECIALLY THE PUBLIC—HE BULLID ME AND
TOOK MY FREE WILL AWAY AND THE AUDIO
RECORDINGS WILL PROVE HIS CRIMINAL CONDUCT

Dear Chief Judge Swain,

I make this motion pursuant to rule 60, as Your Honor committed fraud upon the court by hiding the fact that Judge Engelmayer intimidated me into a guilty plea by bullying me and taking my free will away, which my audio recordings will prove. In addition, I make this motion pursuant to rule 59 for reconsideration because Your Honor did not understand (rather paid by Randi Weingarten and influenced by Sen. Schumer, which you hid your association with him) the facts and how they relate to the law.

My injunction must deal with my 3020-a and my 3020-a will deal with what occurred to me since 11/14/18

MOTION FOR RECONSIDERATION UNDER RULE 59 AND RULE 60 BECAUSE YOUR HONOR WAS BIASED, PAID BY RANDI, INFLUNCED BY SEN. SCHUMER TO ENSURE THAT THE AUDIO RECORDING OF JUDGE ENGELMAYER IS NOT HEARD BY ANYONE, ESPECIALLY THE PUBLIC—HE BULLID ME AND TOOK MY FREE WILL AWAY AND THE AUDIO RECORDINGS WILL PROVE HIS CRIMINAL CONDUCT - 1

Lucio
This should have been Doc. No 21, but I messed up on the caption and had Eastern District. yet the motion has Judge Swain's name

1 **Please Take Notice**, my injunction has nothing to do with
2 the appeal directly

3 **Please Take Notice**, it appears that my 3020-a will occur
4 after the decision in my appeal is entered

5 **I. Fraud Upon the Court**

6 Your Honor was not a neutral arbiter as required by the Due
7 Process Clause of the 5th and 14th Amendment. According to the 2d.
8 Cir., "fraud on the court will, most often, be found where the
9 fraudulent scheme defrauds the "judicial machinery" or is
10 perpetrated by an officer of the court such that they cannot
11 perform its function as a neutral arbiter of justice. See
12 *Martina Theatres Corp. v. Schine Chain Theatres, Inc.*, 278 F.2d
13 789, 801 (2d. Cir. 1980). I make this motion pursuant to rules
14 60 and 59.

15 **Please Take Notice**, Your Honor took part of this conspiracy to
16 deprive me a remedy because DC37 and other within circuit won
17 their injunction

18 **Pease Take FURTHER Notice**, Your Honor was paid to ensure that
19 the intimidation is hidden from the public and how Mr.
20 Silverman, AUSA Karamigious deprived me of a fair trial

21 The issue, which SHOULD revealable upon appeal¹, is the fact
22 that Your Honor never mentioned your association with Sen.
23 Schumer prior to issuing a decision because it is grounds for
24 recusal. Then, there is the fact Your Honor is on the 2d. Cir.
25 council and Judge Engelmayer practiced law when he told me what
26 my intent was and see 28 USC § 454. Therefore, Your Honor
27 brought your office into disrepute when you ignored the facts
28 that I have over 80 DOJ personnel telling me differently. In
addition, Your Honor knew that Mr. Silverman committed

26 ¹ Your Honor never told me that
27 MOTION FOR RECONSIDERATION UNDER RULE 59 AND RULE 60 BECAUSE YOUR HONOR WAS
28 BIASED, PAID BY RANDI, INFLUNCED BY SEN. SCHUMER TO ENSURE THAT THE AUDIO
RECORDING OF JUDGE ENGELMAYER IS NOT HEARD BY ANYONE, ESPECIALLY THE PUBLIC—HE
BULLID ME AND TOOK MY FREE WILL AWAY AND THE AUDIO RECORDINGS WILL PROVE HIS
CRIMINAL CONDUCT - 2

1 misconduct, but I have AUSAs saying crime, depriving me of my
2 own witnesses like you—the issue of third-party witnesses.

3
4 I am NOT amazed that a Sen. Schumer's judge, who knows the
5 facts, could write 8 pages worth of lies to cover up a crime. I
6 would be ashamed if I were in your shoes, but Your Honor will
7 not even think about because this is your character.

8 How much did Randi Weingarten pay Your Honor?

9 What is it like to KNOWLINGLY cover up crimes? Because what

10 I have audio recording does not change
11

12
13 **Please Take Notice**, I have sent, and continue to send, the audio
14 recordings of Judge Engelaymer intimidating me, and I have to
15 hope someone will play them live on the air—which is Your
16 Honor's duty, I would check with the council, to bring to their
17 attention and hold a public hearing—Your Honor will not do such
18 a thing because this would assume that Your Honor has any type
19 of integrity. I have come to believe that crackhead can be
20 trusted as judges and can be forgiven, and it would take LESS to
21 bribe them.

22 How could anyone trust a judge recommended to the bench, like
23 Your Honor because Your Honor understands what Judge Engelmayer,
24 Mr. Silverman, and AUSA Karamigious did to me.

25
26
27 MOTION FOR RECONSIDERATION UNDER RULE 59 AND RULE 60 BECAUSE YOUR HONOR WAS
28 BIASED, PAID BY RANDI, INFLUNCED BY SEN. SCHUMER TO ENSURE THAT THE AUDIO
RECORDING OF JUDGE ENGELMAYER IS NOT HEARD BY ANYONE, ESPECIALLY THE PUBLIC—HE
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CRIMINAL CONDUCT - 3

1 **Please Take FURTHER Notice**, Your Honor misconduct, as it is
 2 misconduct², ignored the practice of law and the fact that there
 3 is evidence of Judge Engelmayer and Judge Donnelly intimating me
 4 for Randi Weingarten—as it is connected to what Your Honor has
 5 dismissed

6 **PLEASE TAKE EVEN FUTHER NOTICE**, I have over 80 DOJ personnel
 7 with letters saying I was deprived of a fair trial (basically)
 8 with Cogan committed a crime for the UFT, and I have borderline
 9 IQ students who understood Cogan committed and helped the UFT—
 10 now Your Honor knows what

11 II. Reconsideration

12 Standard for Relief Under Rule 59(e)

13 A motion to reconsider under rule 59(e) should be granted to correct a clear error,
 14 whether of law or of fact, and to prevent a manifest injustice. Firestone v. Firestone, 76 F.3d
 15 1205, 1208 (D.C. Cir. 1996) (the four grounds for reconsideration are: to prevent manifest
 16 injustice, to accommodate for an intervening change in controlling law, to account for newly
 17 discovered evidence, or to correct clear error of fact or law); EEOC v. Lockheed Martin Corp.,
 18 116 F3d 110, 112 (4th Cir. 1997). So long as the Rule 59(e) motion is timely filed, the courts
 19 have considerable discretion. Lockheed Martin Corp., 116 F3d at 112. Although the courts are
 20 not required to consider new legal arguments,³ or mere “preserve the integrity of the final
 21 judgement.” Turkmani v. Republic of Bolivia, 273 F. Supp. 2d 45, 50 (D.D.C 2002)

22 Part 1: Amendment

23 Your Honor did not allow me to add: Civil Rights Lawsuits: Text
 24 of Section 1983

25 ² Your Honor is aware that Judge Cogan and Judge Engelmayer practiced law. I have a whole list
 26 of judges who took retirement over having their name sent to House Judiciary Committee, and I
 27 know of 2 cases where the Chief Judge of Cir. IGNORED a judge practiced law

28 ³ Dist. Of Columbia v. Doe, 611 F3d 888 (DC Cir. 2010)

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 CRIMINAL CONDUCT - 4

1
2 A. The text of Section 1983 states:

3
4 Every person who, under color of any statute, ordinance,
5 regulation, custom, or usage, of any State or Territory or the
6 District of Columbia, subjects, or causes to be subjected, any
7 citizen of the United States or other person within the
8 jurisdiction thereof to the deprivation of any rights,
9 privileges, or immunities secured by the Constitution and laws,
10 shall be liable to the party injured in an action at law, suit
11 in equity, or other proper proceeding for redress, except that
12 in any action brought against a judicial officer for an act or
13 omission taken in such officer's judicial capacity, injunctive
14 relief shall not be granted unless a declaratory decree was
15 violated or declaratory relief was unavailable. For the purposes
16 of this section, any Act of Congress applicable exclusively to
the District of Columbia shall be considered to be a statute of
the District of Columbia.

17 B. Without everyone named, I will be denied a fair hearing and
18 it will be the same manner, which Your Honor has protected,
19 that I was denied in federal court

20 C. My injunction can proceed ahead as I forgot to mentioned 42
21 USC §1983, but I did mention 14th Amendment and pro se
22 litigants are provided leeway in terms of pleadings

23 Part 2: Your Honor's knowledge, misconduct and bribed from Randi
24 Weingarten

25
26
27 MOTION FOR RECONSIDERATION UNDER RULE 59 AND RULE 60 BECAUSE YOUR HONOR WAS
28 BIASED, PAID BY RANDI, INFLUNCED BY SEN. SCHUMER TO ENSURE THAT THE AUDIO
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CRIMINAL CONDUCT - 5

Let's review how Your Honor pulled a Randi Weingarten/Judge Marrero⁴

Your Honor's misconduct paid by Randi Weingarten	The Truth
Plaintiff brings this action <i>pro se</i> . Plaintiff raises challenges to his conviction in the United States District Court for the Eastern District of New York on charges of transmitting threats to injure another in violation of 18 U.S.C. § 875(c), <i>United States v. Celli</i> , 1:19-CR- 00127 (PAE) (ST) (E.D.N.Y. July 20, 2021), <i>appeal pending</i> , 21-1760-CR (2d Cir.). He also asserts claims under state law in connection with his teacher tenure hearing at the New York City Department of Education (DOE). The Court dismisses the complaint for the reasons set forth below.	<p>The plaintiff brought the injunction so that I can show the world that I was denied a fair trial</p> <p>The plaintiff brought the injunction because what was litigated and not litigated will be litigated at my 3020-a, which Your Honor is denying me witnesses—like Your Honor, which you did not acknowledge</p> <p>Your Honor WANTS to hide Judge Engelmayer's criminal conduct/misconduct BECAUSE I have AUSAs telling me it is a crime to deprive me of a fair trial</p> <p>Your Honor is part of the conspiracy to deprive me fair trial and hide it from the world</p>
Plaintiff Lucio Celli was involved in several civil actions in connection with his work as a teacher employed by the New York City DOE. <i>See, e.g., Celli v. Cole</i> , No. 15-CV-3679 (E.D.N.Y. Dec. 27, 2016) (dismissing with prejudice amended complaint "filled with extensive rants, rambling allegations, and many vulgar <i>ad hominem</i> attacks"); <i>Combier v. Portellos</i> , No. 17-CV-2239 (E.D.N.Y. Sept. 29, 2018) (complaint alleging	<p>Your Honor covered up the fact that you have knowledge</p> <p>Your Honor covered up the fact that the UFT/DOE said to me about my rape, which I have AUSAs saying it is a crime and AGAIN Your Honor having knowledge</p>

⁴ Either ignored facts or twisting them

MOTION FOR RECONSIDERATION UNDER RULE 59 AND RULE 60 BECAUSE YOUR HONOR WAS BIASED, PAID BY RANDI, INFLUNCED BY SEN. SCHUMER TO ENSURE THAT THE AUDIO RECORDING OF JUDGE ENGELMAYER IS NOT HEARD BY ANYONE, ESPECIALLY THE PUBLIC—HE BULLID ME AND TOOK MY FREE WILL AWAY AND THE AUDIO RECORDINGS WILL PROVE HIS CRIMINAL CONDUCT - 6

that Defendant Celli had falsely accused plaintiff of unauthorized practice of law and had sent emails with false and damaging information about plaintiff using his DOE email account).¹ Thereafter, Plaintiff was charged with and pleaded guilty to transmitting threats to injure another in violation of 18 U.S.C. § 875(c) in connection with emails sent to District Judges Brian M. Cogan and Margo K. Brodie, and other public officials. *See United States v. Celli*, 1:19-CR-00127 (PAE) (ST) (E.D.N.Y. July 20, 2021), *appeal pending*, 21-1760-CR (2d Cir.).

I did not falsely accuse Betsy of anything, which Your Honor has knowledge because of emails

Your Honor knows that Judge Engelmayer robbed the US by hiding what Ms. Combier did and I have AUSAs saying it is a crime

The fact that Betsy used her nonprofit foundation to place my HIV status for Randi and Cogan— Your Honor did not write that

I do not read that I have 80 AUSAs saying Judge Cogan committed a crime for his former clients

Plaintiff's complaint is rambling and disjointed. He asserts that District Judge Cogan deprived Plaintiff of "ALL of [his] constitutional rights and now the remedy is to have the trial that was denied" to Plaintiff. (*Id.* at 3.) This appears to be a reference to Plaintiff's 2015 suit, which was dismissed with prejudice more than five years ago. *Celli*, No. 15-CV-3679 (E.D.N.Y. Dec. 27, 2016) (Cogan, J.).

I had other read it and they had no problem, but Randi Weingarten paid Judge Marrero to write this if he could--it was sent to congress and DOJ

I am denied all my constitutional rights during this trial, which Randi Weingarten paid you to cover up because I have letters from the DOJ saying that I was denied, and I have over 80 DOJ personal saying

Plaintiff contends that his intent – either in bringing his 2015 lawsuit or in sending the emails for which he was convicted – was “to get justice for what the [United Federation of Teachers (UFT)] and DOE ha[ve] done to him.” (ECF 1 at 7.) Plaintiff argues that his criminal proceedings in *Celli*, 1:19-CR-00127, were flawed because he did not want

I am surprised that Your Honor even wrote this, but Your Honor forgot that the UFT/DOE attempted to impeded me from bringing a suit and said that they would expose my rape

MOTION FOR RECONSIDERATION UNDER RULE 59 AND RULE 60 BECAUSE YOUR HONOR WAS BIASED, PAID BY RANDI, INFLUNCED BY SEN. SCHUMER TO ENSURE THAT THE AUDIO RECORDING OF JUDGE ENGELMAYER IS NOT HEARD BY ANYONE, ESPECIALLY THE PUBLIC—HE BULLID ME AND TOOK MY FREE WILL AWAY AND THE AUDIO RECORDINGS WILL PROVE HIS CRIMINAL CONDUCT - 7

Benjamin Silverman as his defense counsel;³ Silverman provided ineffective assistance of counsel; and Plaintiff "would have gone to trial" rather than pleading guilty if he had not been "intimidated." (*Id.*)

Plaintiff repeatedly describes various federal judges appointed to the United States District Court for the Southern and Eastern Districts of New York as "Schumer judges." Article II, Section 2 of the U.S. Constitution provides that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint" federal judges. In other words, the process of consulting members of the U.S. Senate regarding the appointment of federal judges is provided for in the U.S. Constitution

I was told that I was stupid and crazy for describing this process

What Your Honor forgot to include is "Judge Louderbach said, during his impeachment trial, that he (the judge) fixed cases for Sen. Shortbridge because the senator got him his job.

1. Judge Louderbach was not convicted of impeachment
2. I mentioned him because what is what people believe
3. Sen. Schumer said Randi is like a sister
4. There are criminal crimes of either a judge or a senator, but none made the same sentence as

It appears that it would be futile to grant Plaintiff an opportunity to drop all of the defendants whose presence defeats diversity jurisdiction because the only diverse defendant, the Chief Counsel of the U.S. Senate Select Committee on Ethics, has no apparent connection to this action.

Ms. Koppin heard Judge Donnelly and Judge Engelmayer lie about their association with Sen. Schumer—hmm, Judge Porteous and Judge Louderbach

People are not stupid and this

Donnelly lied until I told her about Sen. Schumer's daughter and his daughter going to school

MOTION FOR RECONSIDERATION UNDER RULE 59 AND RULE 60 BECAUSE YOUR HONOR WAS BIASED, PAID BY RANDI, INFLUNCED BY SEN. SCHUMER TO ENSURE THAT THE AUDIO RECORDING OF JUDGE ENGELMAYER IS NOT HEARD BY ANYONE, ESPECIALLY THE PUBLIC—HE BULLID ME AND TOOK MY FREE WILL AWAY AND THE AUDIO RECORDINGS WILL PROVE HIS CRIMINAL CONDUCT - 8

Judge Engelmayer did not
acknowledge it the day that I
screamed, but he did say that
Sen. Schumer helped him to get
his job.

Remedy

To add 43 USC § 1983 to my petition, as a fair trial is
guaranteed by the 14th Amendment, as how could I have a fair
trial at my 3020-a if cannot have everyone

To have everyone I need to appear at my 3020-a and to have my
hearing streamed live to show that Judge Engelmayer intimidated
me and took my free will away



Lucio Celli

December 30, 2021

MOTION FOR RECONSIDERATION UNDER RULE 59 AND RULE 60 BECAUSE YOUR HONOR WAS
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